THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.801 of 2007

Dated:20.02.2007

Between:

Bala Nagabhushanam and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.801 of 2007

ORDER:

The petitioners, who are nine in number, filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in not issuing pattas in their favour and making attempts to evict them from the lands admeasuring Acs.5.03 guntas and Acs.5.04 guntas in Survey No.273, Acs.7.10 guntas in Survey Nos.259 and 271 and Acs.6.04 guntas in Survey Nos.260 and 271 situated at Moddulagudem Village of Dammapet Mandal in Khammam District (hereinafter called, the subject land), as illegal and arbitrary and for a consequential direction.

The petitioners were in occupation of the subject land by cultivating it since long time. They statedly developed a Mango garden and also planted Eucalyptus trees. They made applications to the Government for grant of pattas, in vain. Therefore, they filed W.P.No.5563 of 1978 challenging the notices issued under Sections 6 and 7 of the Andhra Pradesh Land Encroachment Act, 1905. This Court disposed of the same on 09.02.1984 directing the respondents to accept the upset price and consider the case of the petitioners for grant of pattas. It appears, pattas were not granted on the ground that the land is a Government land. Be that as it is, the petitioners now allege that the third respondent allegedly directed them not to enter the

lands and continue cultivation. Therefore, the present Writ Petition is filed.

The third respondent filed a counter affidavit alleging that the request of the petitioners for allotment of land after collecting upset price was not considered as the same is prohibited by the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959, and that the petitioners have no right to claim allotment. However, the allegation made by the petitioners that the Mandal Revenue Officer directed them not to enter the Mango garden/Eucalyptus plantation is denied. It is stated in para 3 of the counter affidavit as under.

> It is submitted that keeping in view of the orders of this Hon'ble High Court in W.P.No.5563/1978 dt:09.02.1978, the writ petitioners possession over the writ schedule land was not disturbed as alleged. The main dispute arose between the assignees and the writ petitioners based on the entry recorded in the village record by the Panchayat Secretary. As against the extent of Ac.1.00 assigned to Puchi Venkamma, the Panchayat Secretary has recorded Ac.10.00 in extent column in the relevant entry of Pattedar Puchi Venkamma. The Panchayat secretary has given pahani extract to the assignee for an extent of Ac.10.00. The dispute started between the assignee and writ petitioners. The respondents are in no way concerned as alleged by the writ petitioners with regard to their possession over the writ schedule land.

In view of the above, the Writ Petition can be disposed of. However, the learned Assistant Government Pleader for Revenue (General-T) does not dispute that the request of the petitioners for assignment/allotment of the lands as directed by this Court in W.P.No.5563 of 1978, has not yet been considered, and no orders are passed. At least now, the competent authority should consider the request and pass appropriate orders giving due reasons for such decision.

The Writ Petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

20.02.2007
vs